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10 Telephone (303) 252-8800

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12
13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
15

16 WEBMAGIC VENTURES, LLC, a
California limited liability company,

17 Plaintiff,

18 v.

19 DEUX RON, INC., a Tennessee
20 corporation; RON HENSLEY, an
individual; and ERIC HENSLEY, an
21 individual,

22 Defendants.
23
24
25
26
27
28

Case No. 2:18-cv-5933-PA-AS

Hon. Percy Anderson – Crtrm. 9A

**DECLARATION OF AARON
CROFT IN SUPPORT OF
PLAINTIFF WEBMAGIC
VENTURES, LLC'S OPPOSITION
TO DEFENDANTS' MOTION TO
DISMISS PURSUANT TO RULES
12(B)(2), 12(B)(3), OR IN THE
ALTERNATIVE, TO TRANSFER
VENUE UNDER 28 U.S.C. §§ 1404,
1406, 1631**

Date: August 27, 2018
Time: 1:30 p.m.
Place: Courtroom 9A

DECLARATION OF AARON CROFT

I, Aaron Croft, declare as follows:

1. I am an employee of WebMagic Ventures, LLC. I am making this declaration in support of Plaintiff's Opposition to Defendants' Motion to Dismiss, or in the Alternative, to Transfer Venue, as captioned above. Unless otherwise stated, I have personal and first-hand knowledge of the facts set forth in this declaration, and I could and would testify competently to such facts if called as a witness.

2. I live in West Covina, a city of Los Angeles County, California.

3. On July 30, 2018 I conducted three transactions ("first", "second", and "third" "transaction(s)") on the website www.gatlinburgarcade.com ("website").

4. In a first transaction I created a profile on the website and through that profile signed up for a mailing list which requested both my physical and electronic mailing addresses.

5. In a second transaction I selected the "purchase as guest" feature. I added an Arcadia card to my shopping cart and was required to supply both my physical and electronic mailing addresses and select a shipping option before I was allowed to complete the transaction. After completion of the transaction a confirmation screen appeared and gave no indication that the card would not be shipped. Sometime after this transaction I received an email receipt stating that the card would not be shipped.

6. In a third transaction, following completion of the second transaction I was encouraged to post about Arcadia cards on social media. I clicked on a link of the website which automatically facilitated posting about the Arcadia cards to Google+.

7. Exhibits 1—21 are a true and accurate screenshot that I took from the website in the course of conducting the transactions above.

8. Exhibits 1 and 2 show pages of the website having the term ARCADIA at the top of the page and an image of an arcade below.

ERVIN COHEN & JESSUP^{LLP}

1 9. Exhibits 3 – 5 show the website page offering the Arcadia cards for
2 sale.

3 10. Exhibits 6 – 10 show the website pages encountered and forms required
4 to be completed in order to conduct the first transaction.

5 11. Exhibit 11 shows an Arcadia card added to the shopping cart of the
6 profile created in the first transaction.

7 12. Exhibits 12 – 17 show the website pages encountered and forms
8 required to be completed in order to conduct the second transaction.

9 13. Exhibits 18– 21 show the website pages encountered in conducting and
10 completing the third transaction.

11 14. Exhibit 22 is a true and accurate screenshot that I took of the email I
12 received after I completed the first transaction.

13 15. Exhibit 23 is a true and accurate screenshot that I took of the email that
14 I received after I completed the second transaction.

15 I declare under penalty of perjury under the laws of the United States of
16 America that the foregoing is true and correct, and that this declaration was executed
17 on August 3, at Los Angeles County, California.

18
19
20  8/3/18
21 AARON CROFT
22
23
24
25
26
27
28

EXHIBIT 1

EXHIBIT 1

Explore Online Specials

ARCADIA

HOME GAMES PRIZES

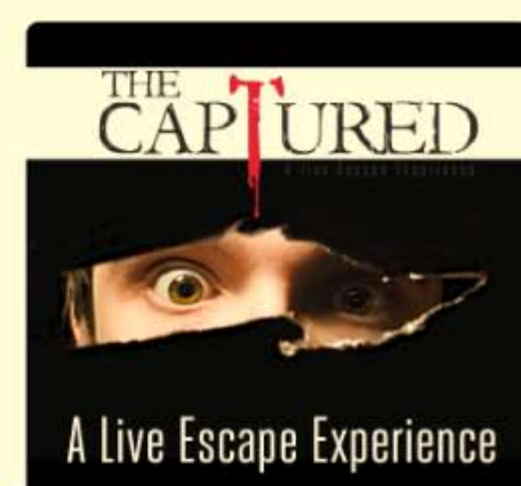


EXHIBIT 2

EXHIBIT 2



Gatlinburg's LARGEST Family Fun Arcade Attraction

Enjoy over 100 of the hottest games in this 25,000 square foot amusement center. Located below the Gatlinburg Space Needle, Arcadia's brand new multi-colored facade came to life in 2008. Now, you can follow the glistening, lighted pillars right into our front entrance. There our friendly staff will greet you, ready and eager to supply you with play cards for the ultimate gaming experience. You can pick up play cards purchased from our online store at the ticket booth, or use one of our many kiosks on location.



Delight yourself with our vast variety of amusement games, simulators, and activities. Earn as many eTickets as you can and redeem them at our elite redemption counter, one of the largest redemption centers in Gatlinburg!

Arcadia ~ Win Big.

Ticket Packages and Special Discount Offers



The Latest Games

It's time to have fun! There's nothing better than enjoying our 25,000 sq. foot Family Fun Arcade.

[Learn More >](#)



Family Fun

Your Family Fun stop in the heart of Gatlinburg. With the largest selection of games in the Smokies!

[Learn More >](#)



Arcadia Play Cards

Buy Arcadia Play Cards and get bonus plays. Big time savings! Get more fun for your buck by buying online.

[Learn More >](#)

EXHIBIT 3

EXHIBIT 3

All prices are in USD.

Compare (0 Item)

My Account

Gift Certificates

Sign in or Create an account



Online Store

Search



Shopping Cart

2 Items / \$49.99



SPECIALS ▾

TICKETS

GROUP SALES

PLAY CARDS

THEATER

PARTY PACKAGES

GIFTS ▾

ITEM PICKUP

BLOG

Home > Play Cards > Arcadia Play Card



Arcadia Play Card

★★★★★ 7 product reviews

\$10.00

★ Arcadia Play Cards:

10.00 ▾

Quantity:

1

ADD TO CART

ADD TO WISHLIST



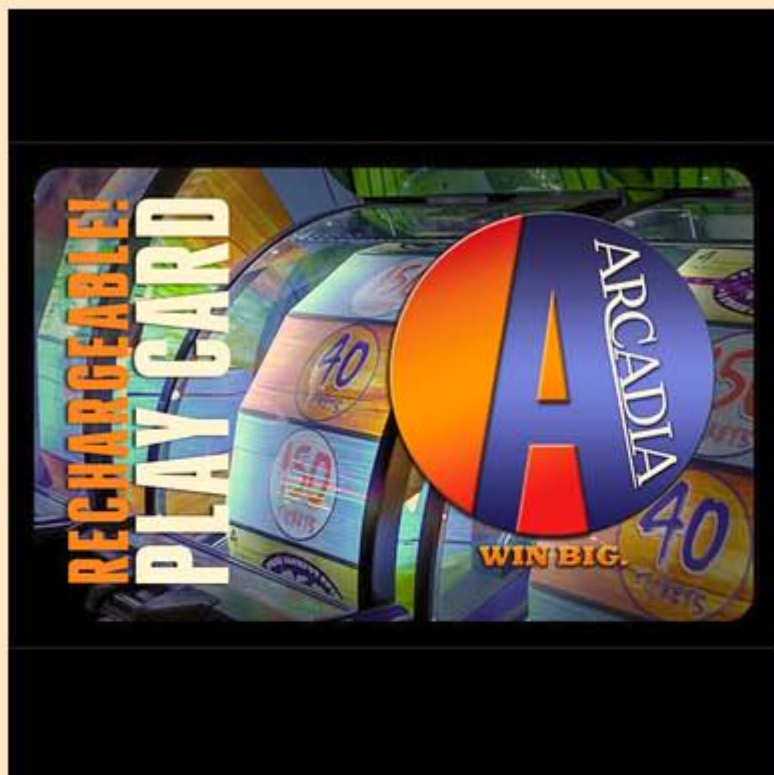
Product Description

Buy Arcadia Play Cards online!

Who's up for game night at the best arcade in Gatlinburg? Buy your Play Cards online and have game night (or day).

EXHIBIT 4

EXHIBIT 4



Arcadia Play Card

★★★★★ 7 product reviews

\$10.00

* Arcadia Play Cards:

10.00 ▼

Quantity:

1

ADD TO CART

ADD TO WISHLIST



Product Description

Buy Arcadia Play Cards online!

Who's up for game night at the best arcade in Gatlinburg? **Buy your Play Cards online and have game night (or day).**

The more you buy, the more Gold you get!

Perfect for families with kids who love a day at the arcade.

\$10 = 40 gold

\$20 = 100 gold **\$5 bonus**

\$50 = 280 **\$20 bonus**

\$100 = 600 gold **\$50 bonus**

EXHIBIT 5

EXHIBIT 5

All prices are in USD.

Compare (0 Item)

My Account

Gift Certificates

Sign In or Create an account



SPECIALS

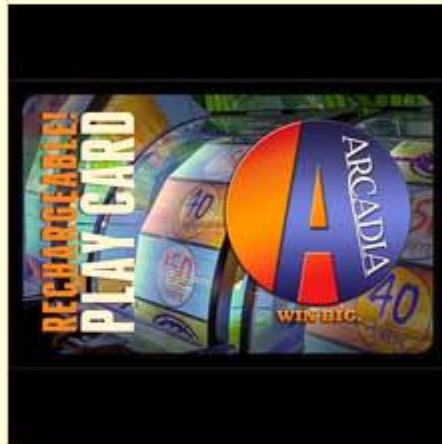
Home > Play Cards

Search



Shopping Cart

1 Item / \$10.00



OK, 1 item was added to your cart. What next?

Arcadia Play Card (Arcadia Play Cards: 10.00)

Quantity: 1

\$10.00

[PROCEED TO CHECKOUT](#)

-- or use --

PayPal Check out

The safer, easier way to pay

Order Subtotal

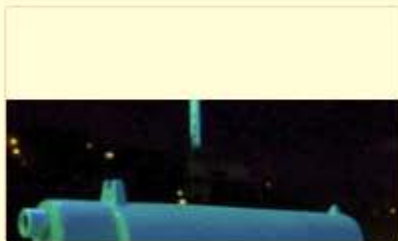
\$10.00

Your cart contains 1 item

[Continue Shopping](#) or

[View or edit your cart](#)

You May Also Like...




Product Description


Buy Arcadia Play Cards online!

Who's up for game night at the best arcade in Gatlinburg? **Buy your Play Cards online and have game night (or day).**

EXHIBIT 6

EXHIBIT 6



 **Shopping Cart**
1 Item / \$10.00

-  SPECIALS ▾
- TICKETS
- GROUP SALES
- PLAY CARDS
- THEATER
- PARTY PACKAGES
- GIFTS ▾
- ITEM PICKUP
- BLOG

Secure Checkout

STEP 1: ACCOUNT DETAILS

I'm A New Customer

Register with us for a faster checkout, to track the status of your order and more. You can also checkout as a guest.

- ☐ Checkout as a guest
- ☒ Register an account

CONTINUE

I'm A Returning Customer

To continue, please enter your email address and password that you use for your account.

Email Address:

Password:

CONTINUE

[Forgot your password?](#)

EXHIBIT 7

EXHIBIT 7

STEP 2: BILLING & ACCOUNT DETAILS

MODIFY »

* Email Address:

acroft626@gmail.com

* Password:

* Confirm Password:

* First Name:

Aaron

* Last Name:

Croft

Company Name:

* Phone Number:

909-498-6736

* Address Line 1:

301 S. Glendora Ave. #214

Address Line 2:

* Suburb/City:

West Covina

* Country:

United States

* State/Province:

California

* Zip/Postcode:

917

☒ Save this address in my address book

EXHIBIT 8

EXHIBIT 8

* Email Address: acroft626@gmail.com

* Password:

* Confirm Password:

* First Name: Aaron

* Last Name: Croft

Company Name:

* Phone Number: 909-498-6736

* Address Line 1: 301 S. Glendora Ave. #214

Address Line 2:

* Suburb/City: West Covina

* Country: United States ▼

* State/Province: California ▼

* Zip/Postcode: 917

☒ Save this address in my address book

☒ I also want to ship to this address

BILL & SHIP TO THIS ADDRESS

EXHIBIT 9

EXHIBIT 9

STEP 3: SHIPPING DETAILS

Aaron Croft, 301 S. Glendora Ave, #2142, West Covina, Cal...

MODIFY »

STEP 4: SHIPPING METHOD

Please choose the shipping method for your order:

☒ Free Shipping \$0.00

CONTINUE

STEP 5: ORDER CONFIRMATION

Sign up for our newsletter

Aaron Croft

acraft626@gmail.com

SUBMIT

QUICK LINKS

Item Pickup
Blog

CATEGORIES

Specials
Tickets
Group Sales
Play Cards
Theater
Party Packages
Gifts

BRANDS

Gatlinburg Space Needle
View all brands

CONNECT WITH US



EXHIBIT 10

EXHIBIT 10

All prices are in [USD](#).

[Compare \(0 Item\)](#) | [My Account](#) | [Gift Certificates](#) | [Sign in or Create an account](#)



Online Store

Search



Shopping Cart
1 Item / \$10.00



[SPECIALS](#) ▾

[TICKETS](#)

[GROUP SALES](#)

[PLAY CARDS](#)

[THEATER](#)

[PARTY PACKAGES](#)

[GIFTS](#) ▾

[ITEM PICKUP](#)

[BLOG](#)

[Home](#) > [Previous Page](#) > [Newsletter Subscription](#)

Thanks for Subscribing!

Thank you for joining our mailing list. You'll be sent the next issue of our newsletter shortly. [Continue](#).

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Name

Email

SUBMIT

QUICK LINKS

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CATEGORIES

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[Play Cards](#)

[Theater](#)

[Party Packages](#)

[Gifts](#)

BRANDS

[Gatlinburg Space Needle](#)

[View all brands](#)

CONNECT WITH US





EXHIBIT 11


EXHIBIT 11

All prices are in [USD](#).

[Compare \(0 Item\)](#) | [My Account](#) | [Gift Certificates](#) | [Sign in or Create an account](#)




Search 

 **Shopping Cart**
1 Item / \$10.00

-  [SPECIALS](#) [TICKETS](#) [GROUP SALES](#) [PLAY CARDS](#) [THEATER](#) [PARTY PACKAGES](#) [GIFTS](#) [ITEM PICKUP](#) [BLOG](#)

[Home](#) > [Previous Page](#) > [Your Shopping Cart](#)

Your Shopping Cart

Cart Items		Qty	Item Price	Total	
	Arcadia Play Card <small>Arcadia Play Cards: 10.00</small> Change	<input type="text" value="1"/>	\$10.00	\$10.00	×

			Subtotal \$10.00	
			ESTIMATE SHIPPING & TAX	
			Tax	\$0.20
			GRAND TOTAL \$10.20	

[CLICK HERE TO KEEP SHOPPING](#)


[PROCEED TO CHECKOUT](#)
[-- or use --](#)
 **PayPal** Check out
The safer, easier way to pay

EXHIBIT 12

EXHIBIT 12

All prices are in USD.

Compare (0 Item) | My Account | Gift Certificates | Sign in or Create an account



Online Store

Search



Shopping Cart
1 Item / \$10.00

- Home
- SPECIALS
- TICKETS
- GROUP SALES
- PLAY CARDS
- THEATER
- PARTY PACKAGES
- GIFTS
- ITEM PICKUP
- BLOG

Secure Checkout

STEP 1: ACCOUNT DETAILS

Checking out as a guest

MODIFY »

I'm A New Customer

Register with us for a faster checkout, to track the status of your order and more. You can also checkout as a guest.

☒ Checkout as a guest

☐ Register an account

CONTINUE

I'm A Returning Customer

To continue, please enter your email address and password that you use for your account.

Email Address:

Password:

CONTINUE

[Forgot your password?](#)

EXHIBIT 13

EXHIBIT 13

STEP 2: BILLING DETAILS

Aaron Croft, 301 S. Glendora Ave. #2142, West Covina, Cal...

[MODIFY »](#)

* Email Address:

* First Name:

* Last Name:

Company Name:

* Phone Number:

* Address Line 1:

Address Line 2:

* Suburb/City:

* Country:

* State/Province:

* Zip/Postcode:

☒ I also want to ship to this address

[BILL & SHIP TO THIS ADDRESS](#)

STEP 3: SHIPPING DETAILS

EXHIBIT 14

EXHIBIT 14

STEP 4: SHIPPING METHOD

Please choose the shipping method for your order:

☐ Free Shipping \$0.00

CONTINUE

STEP 5: ORDER CONFIRMATION

STEP 6: PAYMENT DETAILS

Sign up for our newsletter

Name

Email

SUBMIT

QUICK LINKS

Item Pickup
Blog

CATEGORIES

Specials
Tickets
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Play Cards
Theater
Party Packages
Gifts

BRANDS

Gatlinburg Space Needle
View all brands

CONNECT WITH US




EXHIBIT 15

EXHIBIT 15

STEP 5: ORDER CONFIRMATION

Please review the contents of your order below and then choose how you'd like to pay for your order.

Cart Items	Qty	Item Price	Total
 Arcadia Play Card (Arcadia Play Cards: 10.00)	1	\$10.00	\$10.00
			Subtotal
			\$10.00
			Shipping (Free Shipping)
			\$0.00
			Tax
			\$0.20
			Grand Total
			\$10.20

Gift Certificate or Coupon Code:

APPLY

Order Instructions/Comments (Optional)

- Hear From Us Via Email?
- ☒ I'd like to receive your newsletter
- ☒ I'd like to receive special offers

CONTINUE

STEP 6: PAYMENT DETAILS

EXHIBIT 16

EXHIBIT 16

Gatlinburg Space Needle X

Secure | https://store-cc814.mybigcommerce.com/checkout.php

STEP 6: PAYMENT DETAILS

Complete the form below and then click the "Pay for Order" button to pay for your order using our secure server.

* Credit Card Type: Visa

* Cardholder's Name: Aaron D Croft

* Credit Card Number:

Numbers only, no spaces or dashes.

* Expiration Date: Mar 2022

* CV2: [What's This?](#)

Total Amount: \$10.20

PAY FOR ORDER

Sign up for our newsletter

Name Email **SUBMIT**

QUICK LINKS

- Item Pickup
- Blog

CATEGORIES






- Specials
- Tickets
- Group Sales
- Play Cards
- Theater
- Party Packages
- Gifts

BRANDS

Gatlinburg Space Needle

View all brands

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Copyright 2018 Gatlinburg Space Needle Store. All Rights Reserved. | [Sitemap](#) |

EXHIBIT 17

EXHIBIT 17

Gatlinburg Space Needle

Secure | https://store-cc814.mybigcommerce.com/checkout.php

STEP 6: PAYMENT DETAILS

Complete the form below and then click the "Pay for Order" button to pay for your order using our secure server.

* Credit Card Type:

Visa

* Cardholder's Name:

Aaron D Croft

* Credit Card Number:

Numbers only, no spaces or dashes.

* Expiration Date:

Mar

2022

* CVV2:

What's This?

Total Amount:

\$10.20

PROCESSING YOUR ORDER...

Sign up for our newsletter

Name

Email

SUBMIT

QUICK LINKS

Item Pickup

Blog

CATEGORIES

Specials

Tickets

Group Sales

Play Cards

Theater

Party Packages

Gifts

BRANDS

Gatlinburg Space Needle

View all brands

CONNECT WITH US

f

t

p

g+

yt

Waiting for store-cc814.mybigcommerce.com...

EXHIBIT 18

EXHIBIT 18



Search

Q

Shopping Cart
0 Item / 0.00

-
- SPECIALS ▾
- TICKETS
- GROUP SALES
- PLAY CARDS
- THEATER
- PARTY PACKAGES
- GIFTS ▾
- ITEM PICKUP
- BLOG

Thanks for Your Order, Aaron!

Your order number is: [6451](#)

We've received your order and will begin processing it right away. For your records, an email confirmation has been sent to acroft626@gmail.com. It contains details of the items you purchased and also a tracking number (if applicable).

- Facebook
- Twitter
- Google+



I just bought 'Arcadia Play Card' on Gatlinburg Space Needle Store
<https://store-cc814.mybigcommerce.com>

Buy Arcadia Play Cards online! Who's up for game night at the best arcade in Gatlinburg? Buy your Play Cards online and have game night (or day). The more you buy, the more Gold you get! Perfe...

Share This

CONTINUE SHOPPING ON GATLINBURG SPACE NEEDLE STORE

CUSTOMERS ALSO LIKED



EXHIBIT 19

EXHIBIT 19

All prices are in USD.

Compare (0 Item) | My Account | Gift Certificates | Sign in or Create an account



Online Store

Search



Shopping Cart

0 Item / 0.00



SPECIALS ▾

TICKETS

GROUP SALES

PLAY CARDS

THEATER

PARTY PACKAGES

GIFTS ▾

ITEM PICKUP

BLOG

Thanks for Your Order, Aaron!

Your order number is: 6451

We've received your order and will begin processing it right away. For your records, an email confirmation has been sent to acroft626@gmail.com. It contains details of the items you purchased and also a tracking number (if applicable).

Facebook

Twitter

Google+



Arcadia Play Card

<https://store-cc814.mybigcommerce.com>

Buy your Gatlinburg arcade tokens online from the Space Needle and save. 250 tokens for use at the premier Gatlinburg attraction

Share This

CONTINUE SHOPPING ON GATLINBURG SPACE NEEDLE STORE

CUSTOMERS ALSO LIKED

EXHIBIT 20

EXHIBIT 20

 aaron croft › [WatchMaker for Wear OS, Samsung Gear & Apple Watch](#) ☹️ ⋮

What's new with you?



Arcadia Play Card

store.gatlinburgspaceneedle.com

EXHIBIT 21

EXHIBIT 21

- Home
- Discover
- Communities
- Profile
- People
- Notifications

- Settings
- Report an issue
- Help

What's new with you?

Heather Monique Quinn Public 2w

You will be missed!

Goodbye Redwood Shores!



Add a comment...

Killer Watch Face Creations Moderator 3d

WatchMaker for Wear OS, Samsung Gear & A...

Came across this watch a few weeks back and found some time this afternoon to make it. It's from a company called CAMY and a 70's watch named the Seven seas. By no means is this an accurate representation of it either, more just for fun cause I liked the design. Functions in the description, dl from the link below...

aaron croft 25s

WatchMaker for Wear OS, Samsung Gear & A...



Add a comment...

Da Germanican (DeeZigneZ) 6h

WatchMaker for Wear OS, Samsung Gear & A...

Slowly coming to an end with the 1st version



SHOW ALL 6 COMMENTS

Andrew Velez: 🍕 I want it!

Erik ske: +Da Germanican +Ron D. Can help you with this I think 😊

Bill Boggan: Looking forward to this one!

EXHIBIT 22

EXHIBIT 22



Welcome to Gatlinburg Space Needle Store Inbox x



Gatlinburg Space Needle Store sales@gatlinburgspaceneedle.com via store.smtp.bigcommerce.

5:33 PM (9 minutes ago)



to me ▾

Welcome to Gatlinburg Space Needle Store

Hi Aaron,

For your convenience, we've created you an account on Gatlinburg Space Needle Store so you can check the status of your order and checkout quicker in the future.

To login you will need to follow the link below to nominate your password:

https://store-cc814.mybigcommerce.com/login.php?action=change_password&c=5805&t=aeced61b3fd5eb9d93693ccadd07b5f6

If you have any questions regarding your account, click 'Reply' in your email client and we'll be only too happy to help.

...

 Reply

 Forward

EXHIBIT 23

EXHIBIT 23

Cart Items	SKU	Qty	Item Price	Item Total
Arcadia Play Card (Arcadia Play Cards: 10.00)	arcadiaplaycards	1	\$10.20 USD	\$10.20 USD
Subtotal:				\$10.20 USD
Shipping:				\$0.00 USD
Grand Total:				\$10.20 USD
Tax Included in Total:				\$0.20 USD

CERTIFICATE OF SERVICE

CENTRAL DISTRICT OF CALIFORNIA

WebMagic Ventures LLC v. Deux Ron, Inc., et al.

Case No.: 2:18-cv-PA-AS

The undersigned certifies that on August 6, 2018, the following documents and all related attachments ("Documents") were filed with the Court using the CM/ECF system.

DECLARATION OF AARON CROFT IN SUPPORT OF PLAINTIFF WEBMAGIC VENTURES, LLC'S OPPOSITION TO DEFENDANTS' MOTION TO DISMISS PURSUANT TO RULES 12(B)(2), 12(B)(3), OR IN THE ALTERNATIVE, TO TRANSFER VENUE UNDER 28 U.S.C. §§ 1404, 1406, 1631

Pursuant to L.R. 5-3.2, all parties to the above case and/or each attorneys of record herein who are registered users are being served with a copy of these Documents via the Court's CM/ECF system. Any other parties and/or attorneys of record who are not registered users from the following list are being served by first class mail.

By: /s/ Russell M. Selmont
Russell M. Selmont

ERVIN COHEN & JESSUP ^{LLP}